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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

LANDesk SOFTWARE, INC., a Delaware Corporation, and CRIMSON CORPORATION, a Delaware corporation,

Plaintiffs,
vs.

WAVLINK TECHNOLOGY LTD., a Delaware corporation,

Defendant.

PLAINTIFFS' STATUS REPORT

Case No. 2:16-cv-00400-DN

Judge David Nuffer

Pursuant to the Court's Status Report Order (Dkt. 45), plaintiffs LANDesk Software, Inc. and Crimson Corporation ("plaintiffs") respond to the Court's most recent order as follows:

The Court instructed the parties to file a joint status report by today, July 6, 2021. Despite multiple reach outs by plaintiffs' counsel, including on June 25, June 30, and today July 6, defendant has not responded to plaintiffs and so plaintiffs file this as their report, and not as a joint status report. In the past, defendants have been responsive to plaintiffs' counsel.

As the Court knows, the parties have been negotiating a resolution of this case for an extended period of time. Those negotiations have included multiple exchanges of detailed settlement agreements with listing of various marks in various jurisdictions and proposed

arrangements about how to find a path forward that would avoid confusing the parties' marks based upon various restrictions in usage. Plaintiffs understood that both parties believed that they were very close to settling this matter. And it was plaintiffs' turn to respond to the latest draft of the settlement agreement, which plaintiffs were preparing to do when they discovered that defendant had filed multiple applications worldwide for two new infringing marks this year that were likely to cause further confusion. Plaintiffs adjusted the draft of the settlement agreement to account for this development and to provide separation between the parties. Plaintiffs sent this updated settlement draft to defendant on June 30th but have received no response of any kind.

Given these developments, plaintiffs can only assume that defendants no longer wish to settle this matter. Plaintiffs are concerned about the confidence and reliance they placed in defendant's representations of its desire and efforts to resolve this matter, as plaintiffs forestalled pursuit of this case based upon those representations. Consequently, plaintiffs request that this matter be set for a status conference to establish case deadlines for discovery, dispositive motions, and pretrial matters. Plaintiffs request this status conference as soon as is convenient for the Court. Plaintiffs' counsel is available to appear in person or remotely. Alternatively, if the Court prefers, plaintiff is happy to propose a scheduling order.

Dated July 6, 2021.

Respectfully submitted.

HOLLAND & HART, LLP

/s/ James L. Barnett
James L. Barnett

Attorneys for plaintiffs